

1 CURTIS J. BUSBY  
2 Nevada Bar No. 6581  
**BOWMAN AND BROOKE LLP**  
3 2901 North Central Avenue, Suite 1600  
Phoenix, Arizona 85012  
(602) 643-2300 (Telephone)  
(602) 248-0947 (Facsimile)  
curtis.busby@bowmanandbrooke.com

5 MARIO D. VALENCIA  
6 Nevada Bar No. 6154  
**ATTORNEY AT LAW, LLC**  
7 40 S. Stephanie St., Ste. 201  
Henderson, Nevada 89012  
(702) 384-7494 (Telephone)  
(702) 384-7545 (Facsimile)  
valencia.mario@gmail.com

10 ANDREW S. CHAMBERLIN  
Admitted *pro hac vice*  
**ELLIS & WINTERS LLP**  
11 300 North Greene Street, Suite 800  
Greensboro, North Carolina 27401  
(336) 217-4195 (Telephone)  
(336) 217-4193 (Facsimile)  
andrew.chamberlin@elliswinters.com

14 Attorneys for Defendants Trench France, S.A.S. and Trench Limited

16 **UNITED STATES DISTRICT COURT**  
17 **DISTRICT OF NEVADA**

18 NEVADA POWER COMPANY d/b/a NV Energy  
19 and SIERRA PACIFIC POWER COMPANY  
d/b/a NV Energy,

Case No. 2:19-cv-01252-JAD-VCF

20 Plaintiffs,  
21 v.  
22 TRENCH FRANCE, S.A.S. and TRENCH  
LIMITED,

**STIPULATION TO EXTEND TIME TO  
FILE REPLY BRIEFS IN SUPPORT OF  
TRENCH DEFENDANTS' 12(b)(2)  
MOTIONS TO DISMISS (ECF Nos. 96  
and 97)**

23 Defendants.

**(First Request)**

24 ECF No. 125

25 Defendants Trench Limited and Trench France, S.A.S (collectively "Trench Defendants")  
26 filed Motions to Dismiss the Second Amended Complaint pursuant to Rules 12(b)(2) and 12(b)(6)  
27 ("the Subject Motions"). ECF Nos. 96 and 97.

On June 30, 2020, the parties filed a Stipulation to Extend the Briefing Schedule. ECF No. 101. For the reasons stated in the stipulation, the parties agreed to brief the Rule 12(b)(2) and Rule 12(b)(6) aspects of the Trench Defendants' motions to dismiss separately. With respect to the Rule 12(b)(2) aspect of the Trench Defendants' motions to dismiss, the parties agreed that Plaintiffs would have until August 31, 2020 to file an opposition or response, and thus a reply in support of the motions would be due September 14, 2020. *See* ECF No. 101. With respect to the Rule 12(b)(6) aspect of the Trench Defendants' motions to dismiss, the parties agreed that Plaintiffs would have until July 16, 2020 to file an opposition or response, and thus a reply in support of the motions would be due July 30, 2020. *Ibid.* The Court entered an order approving the parties' stipulation on July 2, 2020. *See* ECF No. 102.

In accordance with the Court's order (ECF No. 102), Plaintiffs filed their opposition to the Trench Defendants' Rule 12(b)(6) motion to dismiss on July 16, 2020. ECF No. 103. And the Trench Defendants filed their reply in support of the Rule 12(b)(6) motions to dismiss on July 30, 2020. ECF No. 105.

On August 31, 2020, the parties filed a Stipulation to Extend the Briefing Schedule in Connection with Defendants' Rule 12(b)(2) Motions to Dismiss. ECF No. 116. The stipulation was entered into because, among other things, Plaintiffs needed "more time" to evaluate jurisdictional discovery they had recently received, and they wanted to avoid pre- and post-discovery briefing on jurisdiction. *Id.* at 2. The parties therefore agreed that Plaintiffs would have until October 9, 2020 to file their opposition or response to the Rule 12(b)(2) motions to dismiss, and thus the reply in support of the motions would be due October 23, 2020. *Id.* at 3. The Court entered an order approving the parties' stipulation on September 1, 2020. *See* ECF No. 117.

Plaintiffs filed their opposition to the Rule 12(b)(2) motions to dismiss on October 9, 2020. ECF No. 120. The Trench Defendants' reply in support of the Rule 12(b)(2) motions, therefore, is due October 23, 2020. *See* ECF No. 117.

Given the complexity of the issues involved in the subject motions and Plaintiffs' oppositions to the motions to dismiss for lack of jurisdiction, however, the Trench Defendants reasonably require additional time to prepare their reply briefs in support of the motions. The Parties, therefore, stipulate

1 to a short 7-day extension of time for the Trench Defendants to file their reply briefs in support of the  
2 Rule 12(b)(2) motions, and respectfully request that an order be entered extending the filing deadline  
3 from October 23, 2020 to October 30, 2020. This extension request is made in good faith and not for  
4 the purpose of delay.

5 DATED this 23rd day of October, 2020.

6 **SANTORO WHITMIRE**

7 **BOWMAN AND BROOKE LLP**

8 By: /s/James E. Whitmire (with permission)

9 Nicholas J. Santoro  
Nevada Bar No. 532  
10 James E. Whitmire  
Nevada Bar No. 6533  
SANTOR WHITMIRE  
11 10100 West Charleston Blvd., Ste 250  
Las Vegas, Nevada 89135

12 Charles R. Messer  
CARLSON & MESSER LLP  
14 5901 W. Century Blvd., Ste. 1200  
Los Angeles, California 90045

15 Attorneys for Plaintiffs

By: /s/Curtis J. Busby

Curtis J. Busby  
Nevada Bar No. 6581  
Suite 1600, Phoenix Plaza  
2901 North Central Avenue  
Phoenix, Arizona 85012-2736

Mario D. Valencia  
Nevada Bar No. 6154  
**Attorney at Law, LLC**  
40 S. Stephanie St., Ste. 201  
Henderson, Nevada 89012

16 Attorneys for Defendants Trench France,  
S.A.S. and Trench Limited

17 IT IS SO ORDERED:

18 DATED: 10-23-2020

19  
20 UNITED STATES DISTRICT COURT JUDGE

